

## **REMARKS**

This Amendment is fully responsive to the final Office Action dated March 27, 2009, issued in connection with the above-identified application. A request for continued examination (RCE) accompanies this Amendment. Claims 1-15 were pending in the present application. With this Amendment, claims 2, 3 and 6-8 have been amended, claims 1, 5 and 9-15 have been canceled without prejudice or disclaimer to the subject matter therein, and claims 16-25 have been added. No new matter has been introduced by the amendments made to the claims or by the new claims added. Favorable reconsideration is respectfully requested.

In the Office Action, claims 1, 5 and 9-15 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1, 5 and 9-15 have been canceled thereby rendering the above rejection to those claim moot. Withdrawal of the rejection to claims 1, 5 and 9-15 under 35 U.S.C. 112, second paragraph, is now respectfully requested.

In the Office Action, claims 1-15 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu et al. (U.S. Publication No. 2007/0124251, hereafter “Shimizu”) in view of Kitahara et al. (U.S. Publication No. 2007/0094736, hereafter “Kitahara”). The Applicants have canceled claims 1, 5 and 9-15 thereby rendering the above rejection to those claims moot. Additionally, the Applicants have rewritten claims 2, 3 and 6-8 in independent form and added new independent claims 16-25. The Applicants assert that all the features of independent claims 2, 3, 6-8 and 16-25 are not disclosed or suggested by the cited prior art.

Independent claim 2 (as amended) recites *inter alia* the following features:

“[a] transmission apparatus, comprising:...

a multiplexed data generation unit configured to generate multiplexed data by multiplexing the obtained second license data on a part of the first content; and

a transmission unit configured to transmit the generated multiplexed data to the content reproduction apparatus by streaming, the generated multiplexed data permitting longer reproduction of the second content as an elapsed time from a start of the transmission of the first content becomes longer.” (Emphasis added).

The features emphasized above in independent claim 2 are similarly recited in new independent claims 16 and 17. Specifically, independent claim 16 is directed to a corresponding

method and claim 17 is directed to a corresponding program, and both claims 16 and 17 include the features of the apparatus of claim 2. Additionally, the features emphasized above in independent claim 2 (and similarly recited in independent claims 16 and 17) are fully supported by the Applicants' disclosure. That is, independent claim 2 has been amended to include the features of independent claim 1 (now canceled).

Independent claim 3 (as amended) recites *inter alia* the following features:

“[a] transmission apparatus, comprising:...

a multiplexed data generation unit configured to generate the multiplexed data by multiplexing the obtained second license data on a part of the first content and by multiplexing the obtained third license data on an other part of the first content, the third license data including data showing a condition for permitting reproduction of the third content or showing permission for reproducing the third content....” (Emphasis added).

The features emphasized above in independent claim 3 are similarly recited in new independent claims 18 and 19. Specifically, independent claim 18 is directed to a corresponding method and claim 19 is directed to a corresponding program, and both claims 18 and 19 include the features of the apparatus of claim 3. Additionally, the features emphasized above in independent claim 3 (and similarly recited in independent claims 18 and 19) are fully supported by the Applicants' disclosure. That is, independent claim 3 has been amended to include the features of independent claim 1 (now canceled).

Independent claim 6 (as amended) recites *inter alia* the following features:

“[a] content reproduction apparatus that is capable of switching reproduction of a content from a streaming content which is currently being reproduced to a storage content linked from the streaming content, said content reproduction apparatus comprising:...

a receiving unit configured to receive multiplexed data through streaming, the multiplexed data being generated by multiplexing second license data on a part of a first content, the first content being a content to be distributed through streaming, the second license data showing a condition for permitting reproduction of a second content or showing permission for reproducing the second content, the first content being a streaming content, and the second content being a storage content....” (Emphasis added).

The features emphasized above in independent claim 6 are similarly recited in new independent claims 20 and 21. Specifically, independent claim 20 is directed to a corresponding method and claim 21 is directed to a corresponding program, and both claims 20 and 21 include the features of the apparatus of claim 6. Additionally, the features emphasized above in independent claim 6 (and similarly recited in independent claims 20 and 21) are fully supported by the Applicants' disclosure. That is, independent claim 6 has been amended to include the features of independent claim 5 (now canceled).

Independent claim 7 (as amended) recites *inter alia* the following features:

“[a] content reproduction apparatus that is capable of switching reproduction of a content from a streaming content which is currently being reproduced to a storage content linked from the streaming content, said content reproduction apparatus comprising:

a receiving unit configured to receive multiplexed data (i) which is generated by multiplexing second license data on a part of a first content and by multiplexing third license data on an other part of the first content , and (ii) which includes a flag indicating prohibition of storing two or more license data multiplexed on one content, the first content being a streaming content, the second license data showing a condition for permitting reproduction of a second content or showing permission for reproducing the second content, the second content being a storage content, the third license data showing a condition for permitting reproduction of a third content or showing permission for reproducing the third content, and the third content being a storage content....” (Emphasis added).

The features emphasized above in independent claim 7 are similarly recited in new independent claims 22 and 23. Specifically, independent claim 22 is directed to a corresponding method and claim 23 is directed to a corresponding program, and both claims 22 and 23 include the features of the apparatus of claim 7. Additionally, the features emphasized above in independent claim 7 (and similarly recited in independent claims 22 and 23) are fully supported by the Applicants' disclosure. That is, independent claim 7 has been amended to include the features of independent claim 5 (now canceled).

Independent claim 8 (as amended) recites *inter alia* the following features:

“[a] content reproduction apparatus that is capable of switching reproduction of a content

from a streaming content which is currently being reproduced to a storage content linked from the streaming content, said content reproduction apparatus comprising;

a receiving unit configured to receive multiplexed data which is generated by multiplexing second license data on a part of a first content and by multiplexing third license data on another part of the first content...” (Emphasis added).

The features emphasized above in independent claim 8 are similarly recited in independent claims 24 and 25. Specifically, independent claim 24 is directed to a corresponding method and claim 25 is directed to a corresponding program, and both claims 24 and 25 include the features of the apparatus of claim 8. Additionally, the features emphasized above in independent claim 8 (and similarly recited in independent claims 24 and 25) are fully supported by the Applicants’ disclosure. That is, independent claim 8 has been amended to include the features of independent claim 5 (now canceled).

In the Office Action, the Examiner relies on Shimizu in view of Kitahara for disclosing or suggesting all the features of claims of the present invention. However, the Applicants assert that the cited prior art fails to disclose or suggest at least all the features recited in the independent claims 2, 3 and 6-8 (as amended) and new claims 16-25 (as presented).

Shimizu discloses a recording device that can easily set detailed write-protect conditions for each content and each license according to a request from a user in a recording medium. The recording medium can record content and licenses including use conditions of the content recorded thereon.

Kitahara discloses a license management method for permitting reproduction of content only when the content satisfies use conditions prescribed by a sublicense and a main license in a system. As described in Kitahara, a content server transmits to a user content added respectively with the sublicenses, and a license server transmits the main license to the user, wherein the main license prescribes use conditions of all the content distributed via a channel for which the user has a contract.

However, based on a detailed review of the cited prior art, neither Shimizu nor Kitahara disclose or suggest at least the following features recited respectively in independent claims 2, 3 and 6-9 (as amend); or new claims 16-25 (as presented):

- (i) changing a rule of the second license data according to an elapsed time of the transmission of the first content recited in current;
- (ii) multiplexing a plurality of license data on respective parts of the first content; and
- (iii) a flag indicating prohibition of storing two or more license data.

As described above, the features and advantages of the transmission apparatus and reproduction apparatus (and corresponding methods and programs) of the present invention cannot be obtained by the combination of Kitahara and Shimizu. Thus, a person skilled in the art would not be able to arrive at the present invention from the combination of the cited references because of the significant differences between the present invention (as recited in independent claims 2, 3, 6-8 and 16-25) and the cited references noted above.

Accordingly, no combination of Kitahara and Shimizu would result in, or otherwise render obvious, independent claims 2, 3, 6-8 and 16-25. Likewise, no combination of Kitahara and Shimizu would result in, or otherwise render obvious, claim 4 at least by virtue of its dependency from claim 3.

Additionally, dependent claim 4 is also believed to be distinguishable over Kitahara and Shimizu (individually or in combination) based on its own merit. That is, claim 4 recites the use of a flag indicating prohibition of storing two or more license data, which as noted above is not believed to be disclosed or suggested by Kitahara and Shimizu (individually or in combination). Accordingly, dependent claim 4 is distinguished over Kitahara and Shimizu (individually or in combination) based on its own merit.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action, and pass the present application to issue.

The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

Sen'ichi ONODA et al.

/Mark D. Pratt/

By: 2009.06.24 14:36:37 -04'00'

Mark D. Pratt

Registration No. 45,794

Attorney for Applicants

MDP/ats  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
June 24, 2009